

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

MARGARET KATHLEEN  
NICKERSON-MALPHER,

Plaintiff,

v.

JOHN BALDACCI, et al.,

Defendants.

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Civil No. 07-136-B-W

**ORDER AFFIRMING THE RECOMMENDED  
DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on March 10, 2008 her Recommended Decision. The Plaintiff filed her objections to the Recommended Decision on March 24, 2008 and the Defendants filed their response to those objections on March 27, 2008. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Defendants' first Motion to Dismiss brought by Maine Governor John Baldacci, Attorney General Steven Rowe, District Court Judge John Romei, Assistant District Attorney Paul Cavanaugh, District Attorney Michael Povich, Justice of the Peace Daniel Lacasse, and Maine Superintendent of Agriculture Seth Bradstreet (Docket # 4) be and hereby is GRANTED.

3. It is further ORDERED that the Cross-Motion to Dismiss (Docket # 29) brought on behalf of all Defendants be and hereby is PARTIALLY GRANTED, dismissing the claims asserted in Plaintiff's action against all the Defendants in their official capacity because these official capacity claims are barred by the doctrine of sovereign immunity. This disposition leaves alive Plaintiff's claims against Norma Worley, Christine Fraser, and Christina Perry in their individual capacities.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 27th day of March, 2008